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ONE HUNDRED SEVENTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE

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WASHINGTON, DC 20515-6115
Majority (202) 225-2927
Minority (202) 225-3641

September 23, 2022

The Honorable Merrick Garland
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001

Dear Attorney General Garland:

We write with significant concerns regarding the use of social media platforms by drug dealers to sell illicit and deadly substances, especially to children and minors. We have read numerous reports and heard personal stories from parents who have tragically lost their children to fentanyl and fentanyl-related substances from pills purchased from drug dealers on Snapchat, TikTok, Instagram and other social media platforms.¹² The loss of these young lives shows not enough is being done to crack down on this illegal activity and prevent criminals from using these platforms to sell this deadly poison.

Our country's communities and families are facing an unprecedented crisis due to the increasingly widespread presence of fentanyl and fentanyl-related substances. In 2021, nearly 108,000 people died of drug overdoses; 71,000 of which were from fentanyl or fentanyl-related substances.³ Between FY2020 and FY2021, more than 10,000 pounds of illicit fentanyl were seized at our southern border, enough to kill every American seven times over. Law enforcement in communities across the country are seizing record amounts of illicit fentanyl pills, including a case earlier this summer where two Washington State men were arrested in California with 1 million pills containing fentanyl.⁴

The widespread availability and sale of these illicit pills containing fentanyl has led to a record number of overdose deaths. Every overdose is a tragedy and more must be done to

¹ <https://www.justice.gov/usao-wdva/pr/snapchat-sale-fentanyl-laced-pills-leads-teenage-overdose-death-and-guilty-plea>

² <https://www.nytimes.com/2022/05/19/health/pills-fentanyl-social-media.html>

³ <https://www.cdc.gov/nchs/nvss/vsrr/drug-overdose-data.htm>

⁴ <https://www.dea.gov/press-releases/2022/07/14/dea-los-angeles-field-division-makes-historic-seizure-approximately-1>

facilitate access to treatment for those suffering from a substance use disorder (SUD). However, many of these overdose deaths are unrelated to SUDs and have occurred in individuals taking a single pill they thought was prescription medication but was instead counterfeit and laced with fentanyl. According to the Drug Enforcement Agency (DEA), these fake pills are often manufactured to resemble “real prescription opioid medications such as oxycodone (Oxycontin®, Percocet®), hydrocodone (Vicodin®), and alprazolam (Xanax®); or stimulants like amphetamines (Adderall®).”⁵

Tragically, in these instances, traditional methods to combat opioid addiction and overdoses, such as SUD treatment or distribution of fentanyl test strips, are not effective. More must be done to combat this epidemic of tragic overdoses, and the Department of Justice (DOJ) must do more to combat illegal activity on these platforms. A consistent theme of this crisis is the purchasing of pills believed to be something else by teenagers and youth using social media. For instance, Molly Cain, from Spokane, WA, recently lost her 23-year-old son, Carson, who took a fake Xanax pill purchased on Snapchat, killing him instantly. There are too many other tragic stories from around the country that ended like Carson’s. DOJ, as well as the social media companies themselves, must do more to combat the use of these platforms for illegal activity, especially drug dealers peddling this dangerous poison.

To that end, please respond to the following questions and requests for information by October 7, 2022:

1. How many enforcement actions has DOJ taken related to the use of social media platforms to market illicit pills containing fentanyl?
2. How does DOJ approach the use of internet platforms to market illicit pills containing fentanyl compared to the use of a brick-and-mortar business or residence?
 - a. What obstacles, legal, regulatory, or otherwise, prevent DOJ from doing more to combat the use of social media platforms to market illicit pills containing fentanyl?
3. How many instances of overdose deaths are associated with the use of social media platforms to market illicit fentanyl pills that DOJ has tracked?
4. Which social media platforms are most commonly used by drug dealers to market illicit pills containing fentanyl?
5. How many times have social media platforms used section 230 of the Communications Decency Act as a defense with DOJ to avoid liability for the use of their platform to market illicit pills containing fentanyl that resulted in an overdose death? Please list every instance.

⁵ <https://www.dea.gov/press-releases/2022/07/14/dea-los-angeles-field-division-makes-historic-seizure-approximately-1>

6. Please detail any other actions DOJ is actively taking to combat the use of social media platforms by drug dealers and others for their criminal activities.

Thank you for your attention to this matter. If you have any questions, please contact Tim Kurth or Kate O'Connor with the Energy and Commerce Committee at (202) 225-3641.

Sincerely,



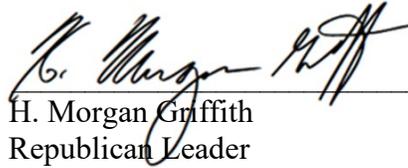
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Republican Leader
House Committee on Energy and Commerce



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